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FM USMISSION USUN NEW YORK
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2412
INFO RUEHZK/ECOWAS COLLECTIVE PRIORITY
RUEHGG/UN SECURITY COUNCIL COLLECTIVE PRIORITY
RUEHOT/AMEMBASSY OTTAWA PRIORITY 0908
RUEHTC/AMEMBASSY THE HAGUE PRIORITY 8919

UNCLAS USUN NEW YORK 000646

SIPDIS

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E.O. 12958: N/A

TAGS: [PREL](#) [UNSC](#) [KJUS](#) [KDEM](#) [PGOV](#) [SL](#) [XA](#)

SUBJECT: UN/SIERRA LEONE SPECIAL COURT: COURT PRESIDENT
KING WARNS MANAGEMENT COMMITTEE THAT FURTHER DELAYS IN
COURT PROCEEDINGS ARE LIKELY

11. SUMMARY: Sierra Leone Special Court President Judge George Galaga King told members of the Special Court Management Committee via telephone on August 2 that motions from the defense teams in both the Charles Taylor case and the AFRC appeal seeking additional time to prepare, if approved by the judges, will significantly delay overall progress in completing the Court's work. If such delays occur because of "unforeseen circumstances," King warned, it will be up to the Management Committee to raise the additional voluntary contributions necessary to sustain the Court beyond the dates envisioned in the completion strategy.

King also reiterated his request for the appointment of an alternate appeals judge, even though such a proposal would involve more than 500,000 dollars in additional Court costs. Concerning Justice Robertson's future role as an appeals judge even though it appeared likely he would have to be recused from consideration of appeals in the AFRC, RUF and Charles Taylor cases, Judge King said he lacked appropriate authority to make any changes unless the prosecution or defense requested his removal. USUN received notification late on August 2 that Special Court Chief Prosecutor Stephen Rapp filed a motion earlier that same day seeking Justice Robertson's recusal from the AFRC appeal. END SUMMARY.

DELAYS IN COURT
PROCEEDINGS LIKELY

12. Court President King, in Atlanta, Georgia on personal leave, told Management Committee members that newly-appointed defense attorneys in the Charles Taylor case planned to file a motion seeking additional time to familiarize themselves with the case - a request, that if granted, would further delay the Taylor trial until January 2, 2008. King also informed the Committee that the three individuals convicted and sentenced in the AFRC case plan to file their present attorneys and seek new legal representation for the appeals phase of their case. If this occurs, King warned that the AFRC appeal, originally envisioned to be concluded by January 2008, inevitably would be delayed - perhaps significantly.

JUDGE ROBERTSON

13. Committee members asked King whether he planned to seek Justice Robertson's recusal from the AFRC case, since Robertson's previous critical public pronouncements about the RUF, and by implication, its close collaboration with the AFRC, would undermine his perceived impartiality in review of the AFRC appeal. In addition, Committee members asked King whether Robertson should be dismissed completely and a new appeals judge sought since Robertson apparently was unwilling to reside in Freetown, a requirement King was making of the

other appeals judges. King claimed he was powerless to act unless the prosecution or defense filed a motion seeking Robertson's recusal. Then, he and the other judges could consider finding a replacement for Robertson. Subsequently on August 2, USUN received notification that Special Court Chief Prosecutor Stephen Rapp had filed a motion seeking Robertson's recusal from the AFRC appeal.

ALTERNATE APPEALS JUDGE

¶4. King reiterated that he continued to believe in the importance of having an alternate appeals judge in place to take over should one of the current appeals judges fall ill or otherwise be unable to preside in the upcoming appeals cases. USUN/MR noted that having an alternate appeals judge available to participate in the three trials in Freetown (i.e., AFRC, CDF, RUF) would cost in excess of 500,000 dollars at a time when the Special Court was struggling to identify sufficient funding to continue its operations. UN Office of Legal Affairs A/SYG Larry Johnson reminded Committee members that Judge Cassese had suggested in his late 2006 assessment of the Special Court's efficiency that it might make more sense to identify an alternate appeals judge if and when needed. UK representative Simon Thomas also expressed concerns regarding the cost effectiveness of appointing an alternate appeals judge for all cases. Committee members agreed to resume consideration of this issue at the Committee's next meeting, scheduled for August 7.

KHALILZAD